

CITY OF BELLEVUE
BELLEVUE PLANNING COMMISSION
MEETING MINUTES

June 2, 2004
7:00 p.m.

Bellevue City Hall
City Council Conference Room

COMMISSIONERS PRESENT: Commissioners Bach, Bonincontri, Maggi, Mathews,
Orrico, Robertson

COMMISSIONERS ABSENT: Commissioner Lynde

STAFF PRESENT: Dan Stroh, Steve Cohn, Department of Planning and
Community Development

GUEST SPEAKERS: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 7:04 p.m. by Commissioner Bonincontri who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Lynde who was excused.

3. APPROVAL OF AGENDA

The agenda was approved by consensus.

4. STAFF REPORTS

Steve Cohn, Associate Planner, said the package of Comprehensive Plan updates was presented to the East Bellevue Community Council on June 1. There was discussion regarding nearly every element, and there were not a lot of questions, nor many negative comments about the proposed policies. The written comments of one East Bellevue Community Councilmember with regard to neighborhood shopping were distributed to the Commissioners. Mr. Cohn noted that there was not full support for Policy HO-15 which directs adoption of an interim ordinance directing a demonstration housing project.

Mr. Cohn provided the Commissioners with copies of an email received from Carolyn Maxim regarding the Urban Design Element of the Comprehensive Plan.

Dan Stroh, Planning Division Director, reported that the owner of the Lake Hills Shopping Center met with staff recently in a pre-application meeting. The news is good with respect to the potential redevelopment of the neighborhood shopping center.

5. PUBLIC COMMENT

Ms. Renay Bennett, 826 108th Avenue SE, spoke on behalf of the 108th Avenue Association Board of which she is president. She outlined the desire of the local neighborhood to have some green space created to the south of Main Street. The north side of the Downtown area has McCormick Park, and the west side has Downtown Park and Goddard Park, but the south side has nothing at all. The southern boundary of the Downtown is very irregular in shape and zoning, and the local residents would like to see some green space added. The green space would not have to be in the form of a park with children's play equipment. In 2001 a large number of residents living south of the Downtown signed a petition seeking additional green space. The issue was presented to the Downtown Implementation Plan CAC which concluded that green space should be considered between 112th Avenue and 110th Avenue. The neighborhood would like to see the area extended to Bellevue Way. The language in the Comprehensive Plan should be written to be broad enough to allow the green space to happen. Councilmember Chelminiak is aware of the issue and has stated that the request seems reasonable.

Ms. Stacie Anderson, Vice President of the Surrey Downs Community Club, 214 110th Ave SE, concurred with the statement made by Ms. Bennett. She said all of the local neighborhood associations are on board with the idea of more green space. The language of the Comprehensive Plan should be broadened to allow for some kind of park between 112th Avenue and Bellevue Way.

6. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCIL, BOARDS AND COMMISSIONS – None

7. NEW BUSINESS

A. Election of Officers

Motion to elect Commissioner Lynde to serve as chair was made by Commissioner Mathews. Second was by Commissioner Maggi and the motion carried unanimously.

Motion to elect Commissioner Bonincontri to serve as vice-chair was made by Commissioner Robertson. Second was by Commissioner Bach and the motion carried unanimously.

8. STUDY SESSION

A. 2004 Update to the Comprehensive Plan
– Land Use and Economic Development Elements

Beginning with the Land Use Element update, Mr. Cohn noted that new Policy LU-1 combines the concepts found in the existing policies LU-1 and LU-2 and adds the notion of balance. The Commissioners concurred with the change.

Mr. Cohn said the proposal with regard to Policy LU-25 is to move it to the Land Use Element. He said the policy, which is focused on retail shopping centers, is more a land use policy than an economic development policy. In looking at centers with grocery stores, staff noted that they are located in several different zoning categories. In Northtowne the QFC is in a Neighborhood Business (NB) zone; Safeway and QFC are both located in the Downtown zones; Larry's Market and the new Whole Foods are located in General Commercial (GC); there is a Safeway in a Community Business (CB) zone in the Bel-Red area; the Cash and Carry is located in Evans Plaza, which is zoned GC; Fred Meyer includes a grocery store and is zoned CB; and Uwajimaya is in CB, as are the Crossroads QFC and Top Foods.

Mr. Cohn noted that Bellevue's shopping areas are located in both NB and CB zones on a spectrum ranging from pure CB zones which have no special conditions attached to pure NB zones. In the middle there are several CB zones with various special conditions; they range from allowing most retail uses but limiting building height to a single story, to limiting the size of permitted stores, allowing none over 30,000 square feet. The concept of the NB zone is to allow stores that primarily serve the local neighborhood, not the region. Stores that serve the region can and have been allowed to locate in some of the CB zones that have special conditions attached. The Commission was asked to choose among three alternatives to Policy LU-25. In developing Alternative 3, staff identified five sites, either with NB zoning or CB zoning with restrictions that cause the site to act like NB zoning, as the areas appropriate for neighborhood shopping centers. Alternative 2 was proposed by Commissioner Robertson.

Commissioner Orrico asked how the restriction envisioned by Alternative 3 would affect the concept of creating an urban village at Lake Hills with mixed retail, residential and office uses. Mr. Cohn said the NB zoning currently allows for residential uses only above the first floor, and though there is a density limit, there is no limit on the number of residential units allowed. There is a limit in terms of floor area percentage for administrative office uses in the NB zone.

Mr. Stroh said the standard with regard to the Lake Hills Shopping Center has always been how to maintain the neighborhood-serving function of the center. All of the discussion around bringing in other uses has been focused on having that function rule the day. The proposed policy language allows that some additional uses, such as residential, would be permitted to a limited extent in order to preserve the economic vitality of the small centers.

Commissioner Robertson suggested that Alternative 3 is inconsistent with the Eastgate Subarea Plan and the section of the design overlay of the Land Use Code. A large number of grocery stores are located in CB zones that have no additional restrictions. If nothing is added in policy language that favors keeping neighborhood shopping centers as neighborhood retail centers, there will be nothing to stop some of the areas from converting to uses such as auto sales. The Conditional Use Permit, which brings the Comprehensive Plan policies into play as part of the permitting process, should take into account that issue. At the very least Eastgate, Kelsey Creek and Sunset should be added to the language of Alternative 3, or Lakemont and Northtowne should be added to the language of Alternative 2. The language of the policy should be more specific. The community retail design district, which applies to all CB and NB outside the Downtown, specifically references development within CB and NB districts as supporting their role as retail service centers for the surrounding residential areas. Exempting the CB zone would be inconsistent with the Land Use Code. In the Eastgate Subarea Plan there is language that talks specifically about limiting retail expansion to serve primarily the area residents.

Commissioner Mathews said centers such as Eastgate Plaza in fact do serve areas larger than just the local community. Such centers do serve the local neighborhood, but also serve much wider areas. The neighborhood shopping centers called out in Alternative 3 are far more focused on serving just the immediate surrounding neighborhood.

Commissioner Robertson said she would rather go with Alternative 1 than with Alternative 3.

Commissioner Bach said the idea of the neighborhood shopping center is some 50 years old. When many of the neighborhoods were created, the local shopping center was where everyone shopped. Times have changed, and grocery stores are not anxious to construct 35,000 square foot or even 50,000 square foot buildings; they want 70,000 square feet and even larger. He said he would have a difficult time forcing any neighborhood shopping center to remain as a

neighborhood shopping center. The K-Mart center used to be a neighborhood shopping center, but just to the north a mile or so is Top Foods and a multitude of other businesses, and residents are not opposed to traveling that far to get what they need. If the auto sales use in Sunset Village fails, it is highly likely that a grocery store use will come back to take the spot. Very few small neighborhood retail centers work very well anymore. Regardless of the zoning, ultimately it will be the market that dictates what will happen.

Commissioner Mathews suggested that what has been proposed for the Lake Hills Shopping Center is in fact something quite different from what was envisioned 50 years ago. It would be a mistake to interpret “shopping center” as meaning a grocery store. The vision for neighborhood shopping centers no longer requires an anchor grocery store; at Lake Hills the new anchor could in fact be the library, along with retail stores, some offices, and residential uses. He indicated a preference for Alternative 3.

Commissioner Bonincontri agreed that the market will dictate what goes where over time. From a policy standpoint, however, she indicated her support for Alternative 3.

Commissioner Orrico concurred with the comments made by Commissioner Bach. She held that putting additional restrictions on the neighborhood shopping centers could end up making it even harder for them to survive. The policy as written is ambiguous, and Alternative 3 would help to clarify it.

Commissioner Bach said if he had to choose he would take Alternative 3 over the existing policy.

Asked what bothers her about the proposed language, Commissioner Robertson said she was concerned that the policy would apply to fewer properties when it should actually be applied to more. It would apply to fewer properties because it would only focus on NB properties and CB properties with concomitant agreements. It is not the uses allowed outright under the zoning that are of concern, but rather the uses allowed by Conditional Use Permit and other permit processes. Bellevue is a city of neighborhoods, and if the retail uses are to be stripped away from them there should at least be a process that allows for community input and that takes into account consistency with the Comprehensive Plan.

Commissioner Mathews suggested that widening the policy to apply to all community business, all manner of small businesses could argue that they are neighborhood shopping centers and should be treated the same way. Commissioner Robertson said the policy would only come into play if a change in use is sought under the Land Use Code permit process. It should be more difficult for neighborhood shopping centers to change uses to something like auto sales.

Mr. Cohn observed that most retail uses are permitted outright and do not require a Conditional Use Permit. If someone were to buy a grocery store in a pure CB zone and decide to put in a big box retail use, no conditional use permit would be required. There are certain areas that are definitely serving the local neighborhood area, and those have been identified in Alternative 3. The other centers, in the opinion of staff, are not neighborhood shopping centers.

Commissioner Bonincontri proposed not specifically listing the names of the shopping centers to avoid running the risk of dating the policy too quickly. There was agreement, however, to leave them in for the public hearing.

There was general consensus in favor of going to the public hearing with the Alternative 3 language.

With regard to Policy LU-21, Commissioner Bonincontri suggested that the second use of the word “maintained” should be changed to something else.

Turning to the Economic Development Element, Mr. Cohn noted that promoting economic opportunities throughout the city could best be accomplished by goal rather than by policy. He shared with the Commission the proposed language for the overall goal for the Economic Development Element. It was agreed that the goal could be written more succinctly, perhaps using bullets.

Mr. Cohn noted that Policy ED-22 was revised in accord with previous direction offered by the Commission. He suggested, however, that the proposed change should be reviewed by the Utilities Department to see if they have any comments.

The proposal for Land Use Element Policy LU-20 is to move it into the Economic Development Element as Policy ED-28 because it is focused more on process than land use.

Commissioner Robertson suggested revising the second sentence of the new Policy ED-28 from “...vibrant commercial centers...” to “...vibrant commercial retail centers....” Commissioner Mathews pointed out that the centers offer more than just retail. It was agreed to use the term “retail/mixed use.”

With regard to Policy ED-10, Commissioner Robertson said she would prefer to use the phrase “surrounding communities within the city” instead of “broader community.”

Commissioner Orrico suggested that the language of Policy ED-10 would flow better if the reference were to primary, secondary and higher education rather than listing out specific institutions.

Mr. Cohn noted that a new discussion section was added to Policy ED-30 at the direction of Commissioner Bonincontri, who agreed with the proposed wording.

Commissioner Orrico suggested revising the last part of the second sentence of the new discussion section to read “...attract new and retain existing businesses.” There was agreement to make the change.

With regard to developing a definition for “neighborhood”, Mr. Cohn said staff could not find a good definition that works. There are all manner of definitions, the upshot of which is that neighborhood is a term that is defined in a number of different contexts. He said staff concluded that they would be very uncomfortable being tied to a single definition of the word. The same was true for “surrounding,” another word that means different things given the context. The recommendation of staff was to create a definition only for “neighborhood shopping center” as proposed in Policy LU-25.

There was general agreement not to develop definitions for “neighborhood” and “surrounding.”

B. 2004 Update to the Comprehensive Plan
– Citizen Participation

Mr. Stroh suggested that Policy CP-5 is confusing to the public and difficult for staff to interpret. Moreover, it creates a potential inconsistency between the Comprehensive Plan and Land Use Code. The policy lays out a series of criteria that govern the making of land use decisions. The

term “land use decision” is quite broad in itself and covers everything from variances to staff administrative design review, Planned Unit Developments, Land Use Code amendments, and Comprehensive Plan amendments. For each of the specific land use decisions, the Land Use Code contains specific criteria that come into play; each set of decision criteria are different based on the stage of land use review requiring action. Having a broad policy in the Comprehensive Plan that lays out a parallel set of decision criteria that appears to apply across the board does not make sense and is confusing to the public.

Mr. Stroh said the recommendation of staff is to create a new umbrella policy clarifying that there are different decision criteria that are relevant at different stages of the land use process.

Commissioner Robertson said she could not support Policy CP-5 as revised. The existing policy language is not in fact inconsistent with the Comprehensive Plan. Every single decision specifically references consistency with the Comprehensive Plan. The confusion could be solved by educating the planning and permit staff about the policy, or by listing the criteria in the land use policies as appropriate. Many of the criteria are not included in the permit criteria but should be. There is no inconsistency and the existing policy does not need to be changed.

Commissioner Mathews asked if staff were proposing the elimination of the criteria. Mr. Stroh said there are elements of the criteria that are picked up at some stages of land use review. Other pieces would not be explicitly stated anywhere. For instance, nowhere in the Land Use Code is there reference to the need for a proposed use. The only reference to a projected population density for an area is tied to the issue of minimum densities.

Commissioner Robertson asked if there is any legislative history on the policy. She said it would be very interesting to know what the Commission and Council were thinking when developing the policy and what they were hoping it would apply to. It should apply to every change of use; all of the criteria are important and should be considered. Mr. Stroh said the policy has been in place since the 1970s, though the language has changed over time. The original policy was apparently written to make the criteria relevant to CPAs and rezones, not all land use decisions. Some time before 1993 the language was changed to refer more broadly to land use decisions as a whole.

Commissioner Maggi held that the criteria listed in Policy CP-5 are superfluous. It should not be possible to justify an argument based on the need for a proposed use, the amount of land zoned for a particular use, or the projected population density for an area.

Commissioner Orrico asked what other cities do. Mr. Stroh said all cities strive to maintain consistency between the Comprehensive Plan and the Land Use Code, and they try to avoid situations where there is confusion between two different sets of decision criteria. He proposed retaining an umbrella policy in the Comprehensive Plan and recommending to the Council the addition of a work program item to review the decision criteria in the Land Use Code to make sure nothing is left out or is inconsistent.

Noting that the language originally only applied to Comprehensive Plan Amendments and rezones, Commissioner Orrico asked if it would be possible to rewrite the policy to once again have that focus. Mr. Stroh said that could be done but even then it would be necessary to go back and align the Comprehensive Plan with the Land Use Code to avoid conflicts and having two parallel analyses.

Commissioner Bonincontri supported the notion of having only one set of criteria, adding that she did not see much difference between the proposed umbrella policy and simply deleting the

existing policy. Mr. Stroh allowed that it would work just as well to not have an umbrella policy.

Commissioner Robertson pointed out that many of the criteria, such as the need, compatibility with adjacent uses and the neighborhood, are not contained in the decision criteria. If the policy is to be deleted, there should be a text amendment to the Land Use Code to incorporate the criteria, all of which have been in place since the 1970s and which someone obviously thought should be included. In changing land uses the broader effect should be considered, and the city as a whole would be benefited by retaining the criteria both in the Comprehensive Plan and in the Land Use Code.

Commissioner Maggi asked if there is a criterion that establishes the minimum size of a commercially zoned property. Mr. Stroh said decisions of that sort are based on the broader context of the city's land use patterns and a Comprehensive Plan analysis. The CPA criteria includes the factor of changed needs, so an applicant must be able to make the case that a proposed use will address a changed need for the entire city. No land use decision is made in isolation. Compatibility must also be shown. Some of the same types of criteria get carried forward into the rezone criteria in the Land Use Code.

Commissioner Maggi asked how the criteria addressing on the adequacy of community facilities, utilities, roads and public transportation is used in making land use decisions. Mr. Stroh said the city used to conduct a concurrency analysis at the rezone stage; that is no longer done. The concurrency analysis essentially tests a development proposal against the transportation network that will be in place six years out. There can be a long time between a rezone action and application for a building permit, so the current practice is to conduct the concurrency analysis at the building permit stage. It is not appropriate to do the test for community facilities at the earlier stage.

Commissioner Maggi asked if any of the criteria of CP-5 are addressed in different capacities in the existing Land Use Code decision criteria. Mr. Stroh said all of the factors relevant to a specific proposal can be addressed at the relevant stage through the existing Land Use Code criteria. Commissioner Maggi said she could support either deleting the policy or adopting the staff recommendation. Commissioner Robertson argued against deleting the policy, at least until the Land Use Code amendment process is completed.

Commissioner Orrico proposed having staff review the criteria in the policy and identify which if any are not also addressed in the Land Use Code. Mr. Stroh summarized that the initial direction of the Commission appeared to be in favor of deleting policy CP-5, but with a check to make sure that important factors are not left out of the Land Use Code decision criteria. If so directed staff would go back and bring this analysis back to the Commission.

C. 2004 Update to the Comprehensive Plan
– Vision

Mr. Stroh noted that a new paragraph regarding arts and culture was added to the Challenges for Tomorrow section since the draft was last reviewed by the Commission. He explained that the intent was to have had the paragraph included in the first draft but it was inadvertently omitted. A new paragraph on arts and culture was also added to the Bellevue 2025 section.

Commissioner Orrico referred to the paragraph titled "Great Neighborhoods" on page 74 and suggested that "...by 2004..." should read "...in 2004...." She also suggested that the paragraph titled "A Strong Economy" on page 75 should be broken into two sections given that it addresses

two issues.

Commissioner Orrico held that there should be consistency throughout the document with regard to capitalizing or not capitalizing the word “city.” She felt that the second sentence of the paragraph titled “A Regional Role” on page 75 should be expanded to indicate to whom Bellevue plays a leadership role, which in the context of the paragraph is to the region. In the third sentence of the “Dynamic and Maturing Community” section on the same page, “...the city was annexing...” should read “...the city has been annexing....” She also thought the last sentence of the same paragraph should be revised from “...challenges than those that confronted the city...” to “...challenges than those confronting the city....”

Commissioner Orrico noted that on page 76 the word “rethink” is used several times. She suggested that “reevaluate” might be a bit more eloquent. The article “the” used in conjunction with “Downtown” should be eliminated throughout the document.

9. APPROVAL OF MINUTES

A. April 21, 2004

Motion to approve the minutes as submitted was made by Commissioner Robertson. Second was by Commissioner Bach and the motion carried unanimously.

10. OLD BUSINESS

A. Retreat Agenda

Mr. Stroh noted that the Commission retreat has been scheduled for June 29. It was agreed that the agenda should include an update regarding neighborhood shopping centers as well as the usual retreat topics.

11. NEW BUSINESS

Commissioner Bach asked what will be done about the issue of getting more green space south of Downtown. Mr. Stroh explained that between 112th Avenue and Main Street the land is just outside the Downtown planning area and is zoned Professional Office. A number of old single family lots front on Main Street in the area. Between 108th and Bellevue Way the Downtown boundary expands to the south. The proposal to develop open space in that area would affect a number of established uses on land that is zoned for quite intensive development. The topic was thoroughly discussed by the Downtown Implementation Plan, and there was agreement that the transition to the south should be more graceful. They did not, however, agree that the area between 108th and Bellevue Way should be marked for additional green space.

12. PUBLIC COMMENT – None

13. ADJOURNMENT

Commissioner Bonincontri adjourned the meeting at 9:29 p.m.

